

Sebastian, Manu J.

From: Daniel Marald <Dan28Jam@hotmail.com>
Sent: Friday, December 16, 2022 11:55 AM
To: Sharobem, Steven (USAMA)
Subject: [EXTERNAL] Re: Consent Decree Revision

What do you mean respond to your complaint! I shut the business down! I signed the decree, my attorney and I went over it. I mailed it to you. Stop wasting time, you're afraid to go to court because you know you're going to make a fool. Call me if you have questions, make sure you're both together, I know your careers lie on this major case 😂😂 FDA gives you the scraps, can't wait to here witnesses babble under my examination. I responded to your complaint. I did your job for you

On Dec 16, 2022, at 11:30 AM, Sharobem, Steven (USAMA) <Steven.Sharobem@usdoj.gov> wrote:

Hi Dan,

Thanks for your email and for your response. We will presume that you do not wish to sign the consent decree in light of your email. If we are mistaken, and you still wish to talk, you can just let us know.

In the meantime, can you please advise if and when you intend to respond to our complaint?

Thanks,

Steve

Steven Sharobem
Assistant United States Attorney
US Attorney's Office, District of Massachusetts
One Courthouse Way, Suite 9200
Boston, MA 02210
617.748.3355
pronouns: he/him/his

From: Daniel Marald <dan28jam@hotmail.com>
Sent: Friday, December 16, 2022 11:14 AM
To: Sharobem, Steven (USAMA) <SSharobem@usa.doj.gov>
Subject: [EXTERNAL] Re: Consent Decree Revision

You're lucky I signed the one I did. I read the internet yesterday, you guy giving the Boston herald and other news information to sensationalize this! You two need a real job, stop sucking off the American taxpayer. A major hospital I work for has concerns of all the garbage on the internet from you people. Negatively affecting my community. Hope you're proud. This must be a big case for you both. Get studying, because you're going to embarrass yourself in court. PS talking to someone about the sale of Chill6™ now.

On Dec 16, 2022, at 10:47 AM, Sharobem, Steven (USAMA)
<Steven.Sharobem@usdoj.gov> wrote:

Hi Dan,

It's been over a week since we last reached out to you. Manny and I figured we would send you a follow up email since we haven't heard from you. We completely understand if you need time to consider the proposed consent decree we sent you on December 7, or wish to have legal representation review it, but can we ask that you acknowledge your receipt of the proposed consent decree by responding to this email? If you haven't received it for some reason, we'd be happy to resend it to you.

Thanks,

Steve

Steven Sharobem
Assistant United States Attorney
US Attorney's Office, District of Massachusetts
One Courthouse Way, Suite 9200
Boston, MA 02210
617.748.3355
pronouns: he/him/his

From: Sebastian, Manu J. <Manu.J.Sebastian@usdoj.gov>
Sent: Friday, December 9, 2022 11:04 AM
To: Daniel Marald <dan28jam@hotmail.com>
Cc: Sharobem, Steven (USAMA) <SSharobem@usa.doj.gov>
Subject: RE: Consent Decree Revision

Good Morning Dan,

Just following up on my email from Wednesday. We want to confirm that you received the email containing our most recent proposed consent decree with changes from FDA. Please take the time you need to review the document, we just wanted to make sure you did receive it.

Thanks. And if we don't speak before then, please have a good weekend.

-Manny

Manu J. Sebastian
Trial Attorney
U.S. Department of Justice
(202) 514-0515

From: Sebastian, Manu J.
Sent: Wednesday, December 7, 2022 10:34 AM
To: Daniel Marald <dan28jam@hotmail.com>

Cc: Sharobem, Steven (USAMA) <SSharobem@usa.doj.gov>

Subject: RE: Consent Decree Revision

Dan,

Thanks for your last e-mail. Although we have differences, we think that it is heartening that both sides continue to be motivated to see whether this matter can be resolved short of litigation. To that end, we went back to the FDA with your concerns in the hopes of bridging the gap between us.

The FDA has added additional language to Paragraph 15 that should address your concern regarding fees. More specifically, it makes the provision effective only if you continue to sell a product—a condition that you have previously indicated you will be willing to accept. Like in previous versions we have sent you, the FDA has made numerous changes to its standard consent decree in an effort to accommodate concerns you have raised. The revision is attached. We hope this will be amenable to you and we can soon end this matter.

However, if you continue to feel that the consent decree will not work, despite all of the changes agreed to by the FDA, we will move forward with the litigation.

Best Regards,

Manny

Manu J. Sebastian

Trial Attorney

Consumer Protection Branch

U.S. Department of Justice

Office: (202) 514-0515

manu.j.sebastian@usdoj.gov

From: Daniel Marald <dan28jam@hotmail.com>

Sent: Tuesday, December 6, 2022 10:46 AM

To: Sebastian, Manu J. <Manu.J.Sebastian@usdoj.gov>

Subject: [EXTERNAL] Re: Consent Decree Revision

I'm not paying any potential fees, that's like giving the fda a blank check. I do not trust them after reading the first decree was full of punitive contempt. They need withdraw the fees. I've discussed with my attorney and we both feel trial will expose your discrimination and open phenibut to being banned. You can't allow phenibut to be sold and claim it's unsafe, a new drug, or a food additive (it's mixed with liquid and drank). Take out all the fees except the labeling expert I'll pay. I'm not paying fda for anything.

If not, just go to trial, we'll let judge decide, you people are incapable of negotiating reasonably. To be honest Manny, you are not good. Steve would've had a great settlement by now. You are a man that focuses solely on the power struggle. Probably affective in trial, but wasted so much time to accomplish nothing. Now you're going to get embarrassed in a courtroom for even allowing this to go in front of a judge. My attorney feels you are disrespecting the court bringing this nonsense in front of a judge.

Dan

On Dec 6, 2022, at 9:11 AM, Sebastian, Manu J.
<Manu.J.Sebastian@usdoj.gov> wrote:

Dan,

Please do not make any changes to the document that I sent you. If you would like to discuss issues you have with the language in the consent decree, we can have a call with FDA this afternoon. If are you available at 2pm today, I'll confirm the time with FDA and send a conference line. Does that work for you?

-Manny

Manu J. Sebastian

Trial Attorney

U.S. Department of Justice

(202) 514-0515

From: Daniel Marald <dan28jam@hotmail.com>

Sent: Monday, December 5, 2022 11:37 PM

To: Sebastian, Manu J. <Manu.J.Sebastian@usdoj.gov>

Subject: [EXTERNAL] Re: Consent Decree Revision

Manny,

I can amend this new decree and send it back to you. If FDA chooses not to sign it, we will have to go to trial. If we go to trial, the fda will be banning phenibut, I promise. Can't wait to see how fda is going to claim phenibut is unsafe, yet allow it to be sold in pure form for a fraction of the cost of Chill6™. They are going to make you look like a buffoon. Beyond ridiculous. I almost want to go to trial to see the judges face when this fact is unfolded via your expert trying to prove an unsafe "new drug" (readily available online)! Believe it or not, this is the least of your hurdles. I have 3 other things that strongly supports my case. You are going to have no answer, I can tell you don't know anything about this case. They are setting you up to fail. I don't think you can win. I mean, you have nothing to win, I voluntarily terminated Chill6™ when I could've just changed the description like all the other phenibut retailers. The bottom line, regardless what happens, the fda is most certainly going to look as stupid as they are. Your choice, but it's my way or court, and I was very fair with the last decree. The fda should've signed it, this new one is essentially the same. Wasting time and money over small potatoes. Doing what they do best, wasting Americans money. Do you want to talk to hear what I am going to amend? Save me the stamp if fda wants a power struggle. I'm ready for trial. I plan on getting the judge to ban phenibut if she deems it an unsafe new drug. I'm also going to make you and Steve look foolish. You'll see.

Dan

On Dec 5, 2022, at 5:59 PM, Sebastian, Manu J.
<Manu.J.Sebastian@usdoj.gov> wrote:

Dan,

If you do not wish to speak with us regarding the proposed consent decree, that is certainly your choice. The government cannot sign the version that you sent us. We have attempted to address your general concerns in the attached consent decree. We are available to discuss if you would like. Otherwise, we already filed the complaint with the Court, and we will move forward with that process.

-Manny

Manu J. Sebastian
Trial Attorney
U.S. Department of Justice
(202) 514-0515

From: Daniel Marald <dan28jam@hotmail.com>
Sent: Monday, December 5, 2022 3:41 PM
To: Sebastian, Manu J. <Manu.J.Sebastian@usdoj.gov>
Subject: [EXTERNAL] Re: Consent Decree Revision

Listen, you can either sign it or not! You need to speak to me for what? I'm not negotiating anymore than the changes I made. I can talk with an attorney if I choose! For the 10th time, I am representing myself pro se. If you don't sign it, go to trial, you'll look like a fool bringing this to trial, the business is long been terminated. I'm not paying the punitive charges and no judge will give you them after I documented product destruction BEFORE fda demanded to come witness. You're embarrassing yourself. Besides, you will not win in a trial, I will. You'll see. FDA is lucky I signed what I did! I was generous. Are you a new attorney!? I can legally delete whatever I want from decree. I highlighted one line where I added some words. It's your choice to sign it or not. What do you want from me! The decree is not changing. Take it or leave it. You will never speak to my corporate attorney. Everything I did to decree is lawful.

Dan

On Dec 5, 2022, at 3:14 PM, Sebastian, Manu J. <Manu.J.Sebastian@usdoj.gov> wrote:

Thank you for the response, Dan. You mentioned an attorney in your last email, but in previous conversations you said you were not represented in this matter. I do not believe you are represented, but if I am mistaken, I must speak with your attorney rather than directly with you. Please clarify or ask your attorney to contact me.

It is important to note that roughly eighteen changes were made in the consent decree you sent us, including the deletion of multiple sentences and two full paragraphs. While some negotiation may be possible regarding the standard terms of the consent decree, we will not know that unless we are able to have a conversation with you or your attorney.

-Manny

Manu J. Sebastian
Trial Attorney
U.S. Department of Justice
(202) 514-0515

From: Daniel Marald
<Dan28Jam@hotmail.com>
Sent: Monday, December 5, 2022 11:23 AM
To: Sebastian, Manu J.
<Manu.J.Sebastian@usdoj.gov>
Subject: [EXTERNAL] Re: Consent Decree Revision

What do you mean it can't be changed?
My attorney deleted and highlighted one edit. That can in fact be changed!
Agree and sign and it's over. You children are a nightmare, you destroyed a great business that help's Americans.

You should be ashamed. I'm glad to get the news involved.

On Dec 5, 2022, at 10:45 AM, Sebastian, Manu J. <Manu.J.Sebastian@usdoj.gov> wrote:

Good Morning Dan,

We received your revised consent decree. We identified that you made a number of edits/deletions in the proposed consent decree I sent to you on November 8, 2022. The changes/deletions you made were to standard terms that everyone who signs consent decrees with FDA must agree to and that cannot be changed. However, we would like to have a call with you to discuss some of the language you have issues with to determine if we can come to an amicable agreement.

Do you have some time on Tuesday afternoon for a call at 2pm?

-Manny

Manu J. Sebastian
Trial Attorney
U.S. Department of Justice
(202) 514-0515

From: Daniel Marald
<Dan28Jam@hotmail.com>

Sent: Monday,
November 21, 2022
4:45 PM

To: Sebastian, Manu J.

<Manu.J.Sebastian@usdoj.gov>

Subject: [EXTERNAL]

Re: Consent Decree
Revision

Hi Manny,

The postal carrier had already found the zip code before I got your email. It was received by the location intended (Jamaica NY) last Thursday at 10:34am. I got a response from; ORA HAF EAST1 Firm Responses.

Dan

On Nov
21,
2022,
at 4:21
PM,
Sebasti
an,
Manu J.
<Manu.J.Sebastian@usdoj.gov>
wrote:

Good
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on Dan,

Was the
signed
consent
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sent to
Steve
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so, was
it sent
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easier.

-Manny

**Manu J.
Sebastian**

Trial
Attorney
U.S.
Departm
ent of
Justice
(202)
514-
0515

From:

Sebastian,
an,

Manu J.

Sent:

Tuesday,

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2022

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PM

To:

Daniel

Marald

<Dan28

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otmail.

[com](#)>

Cc:

Sharob
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Steven
(USAM
A)

<[SSharobem@usa.doj.gov](#)>

Subject

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Hey
Dan,

You can
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Boston
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-Manny

**Manu J.
Sebastian**
Trial
Attorney
U.S.
Department of
Justice
(202)
514-
0515

From:
Daniel
Marald
<Dan28Jam@hotmail.com>

Sent:
Tuesday,
November 15,
2022
1:16
PM

To:
Sebastian,
Manu J.
<Manu.J.Sebastian@usdoj.gov>

Cc:
Sharobem,
Steven
(USAMA)
<SSharobem@usa.doj.gov>

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